

# **Murray City Municipal Council Chambers Murray City, Utah**

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**T**he Municipal Council of Murray City, Utah, met on Tuesday, the 9<sup>th</sup> day of November, 2010 at 6:30 p.m., for a meeting held in the Murray City Council Chambers, 5025 South State Street, Murray, Utah.

Roll Call consisted of the following:

Jeff Dredge,	Council Chair
Krista Dunn,	Council Member - Conducted
Darren Stam,	Council Member
Jared Shaver,	Council Member
Jim Brass,	Council Member

Others who attended:

Dan Snarr,	Mayor
Jan Wells,	Chief of Staff
Janet Lopez,	City Council Office
Carol Heales,	City Recorder
Frank Nakamura,	City Attorney
Pete Fondaco,	Police Chief
Craig Burnett,	Assistant Police Chief
Gil Rodriguez,	Fire Chief
Doug Hill,	Public Services Director
Blaine Haacke,	General Manager
Patricia Wilson,	Finance Director
Jeff Maglish,	Detective/Cadet Advisor
Scouts	
Citizens	

## **A. OPENING CEREMONIES**

1. Pledge of Allegiance - Jacob Igielski, Boy Scout

2. Approval of minutes of October 19, 2010.

Mr. Brass made a motion to approve the minutes.  
Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales.

All Ayes

3. Ms. Dunn stated that there is a tradition in Murray City to have the Boy Scouts in attendance stand and introduce themselves, their troop leaders, and which Merit Badges they are working on.

The Scouts introduced themselves and their leaders.

4. Special Recognitions

None scheduled

Ms. Dunn excused Mayor Snarr from the meeting.

**B. CITIZEN COMMENTS (Comments are limited to 3 minutes unless otherwise approved by the Council.)**

Jon Whitney, 782 Spanish Oak Way, Murray, Utah

Mr. Whitney asked who was the District Representative for the River Oaks Subdivision area.

Ms. Dunn stated that was District #2 and that Darren Stam was the Council Member for that area.

**Public comment closed**

**C. CONSENT AGENDA**

None scheduled

**D. PUBLIC HEARINGS**

Staff and sponsor presentations, and public comment prior to Council action on the following matter:

1. **Consider an Ordinance relating to zoning: amends the General Plan from Residential Single Family Low Density to Residential Multi-Family Low Density and amends the Zoning Map from R-1-8 to R-M-10 for the properties located at approximately 5670 and 5672 South 1300 East, Murray, Utah.**

Staff presentation: Tim Tingey, Community & Economic Development Director

Mr. Tingey stated that this was a proposal that went to the Planning Commission for recommendation, and they forwarded a positive recommendation on this proposal. He added that this came before the City Council a few years ago, related to this zone change, and it was denied at that time; there have been a couple of things that have occurred since that time: The lots were marketed and never sold in the condition they are it under the existing zoning, and there is zoning on the north and west sides that are conducive to this proposal. We have looked at that, along with changes to the housing market analysis and the need for density, and feel that this is a very appropriate General Plan amendment change and zone change with these conditions, and based upon these things, staff is recommending approval, along with the Planning Commission who have forwarded their approval.

**Public Hearing opened for public comment**

None given

**Public comment closed**

Council consideration of the above matter to follow Public Hearing.

Mr. Stam made a motion to adopt the Ordinance.

Mr. Brass 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales.

  A   Mr. Dredge  
  A   Mr. Stam  
  A   Mr. Brass  
  A   Mr. Shaver  
  A   Ms. Dunn

Motion passed 5-0

2. **Consider a Resolution approving the donation of canned goods collected during the Library “Food for Fines” program to the Utah Food Bank, a non-profit entity, pursuant to Section 10-8-2 of the Utah Code.**

Staff presentation: Dan Barr, Library Director

Mr. Barr stated that this program is a result of the Library Board’s new strategic plan;  
the plan is designed to engage the community and form partnerships; it is a program that other libraries in the area have participated in, and we felt that this would be

nice for the Murray community. The program, which you have an outline for, we were planning to collect canned goods in lieu of fines; this is something that is good for the community, and allows individuals who may be strapped financially to resolve some of their fines in another manner.

Mr. Barr introduced Bruce Cutler, who is the president of the Library Board.

Mr. Brass asked Mr. Cutler to address what the Library's thinking is behind this program-what their intent was, as well as some of the things of how that to the Library's growth.

Mr. Cutler stated that they did this last year, and did not come for approval, they found out through the Attorney that they needed to get approval because of the fact that it is in lieu of fines; therefore, the fines that they would have collected, we won't collect, but it is something that we would like to do annually; as a matter of fact, we'd like to make a recommendation that we change the motion, to allow us this annually. They would like to make it available to everyone to be able to do that-he thinks that this is something that they have seen other libraries do, and they had a good participation in the program this last year-a lot of people came in and gave some food for the poor and for the Food Bank, and they would simply be saying we won't collect as much money, because they are taking the money that they would have collected, and donate the canned goods to the Food Bank. According to the legal code, they have to notify the public that they won't collect as much as they would normally. Mr. Cutler also asked that the Council consider changing this motion to allowing this to be done on an annual basis so that they do not need to keep coming back each year.

Mr. Shaver stated that they would leave this motion as it is, and the Council would make a presentation and meet with the Board to do that.

Mr. Shaver asked if there is a specific duration for this-would they begin at a certain time and end at a certain time.

Mr. Cutler said that it is a one week long time frame. He added that in the Resolution, he thought there was a reference to the amount of money, and he believes that was an estimate that was made based on last year's receipts, dividing it by 52 to get a per week estimate; he expects it is going to be considerably less than that, and he can record that to the City Council.

Mr. Shaver asked Mr. Cutler to address the percentage of growth that the library is seeing since has been proven over the last little while, to give them a perspective of how the library is being used and how this would then affect it.

Mr. Cutler said that the actual use of the library circulation and materials-last fiscal year they had a record circulation of over half a million items, which was the first time they have ever done that. This year already, they are on track to beat that by 10-15%; it is early in the year, but that is what the trend has been so far. There is not a direct correlation to the fines that are collected, and he does not know that they could say that the amount of money that would be collected is going to be 15% more than last year, but it should be a little bit more; last year the amount that was

collected in fines, just exclusively in overdue fines, was \$48,000.

Mr. Nakamura stated that because it is a donation, it is something that we do annually, however, when we handle these, it is in our budget process, so we have a list where we handle non-profit entities; we were not aware of this, but we will add this to our budget every year for the Council review and approval.

Ms. Dunn stated that every time we add something to our budget, or take away from our budget, we do it in front of the public, and so because it wasn't on our budget agenda, it is here tonight.

### **Public Hearing opened for public comment**

Bart LeCheminant, 1188 Red Rose Lane, Murray, Utah

Mr. LeCheminant if the fees that would have been collected, and are not collected, how will that amount be recouped back into the budget? Is that going to affect property taxes on the citizens then?

### **Public comment closed**

Mr. Barr stated that this will have no effect on property taxes, the amount of money that we are collecting this year will be more than we collected last year, even given the amount that we won't be collecting during this particular week. Even though people have the opportunity to bring in canned goods in lieu of fines, he doesn't feel that everyone will, so with the estimate of \$900 a week, he would expect that half of that would be waived for this program-probably a loss of somewhere in the neighborhood of \$300 - \$400. Again, it will be easily absorbed and not at any impact on what they are doing.

Council consideration of the above matter to follow Public Hearing.

Mr. Brass made a motion to adopt the Resolution.

Mr. Stam 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales.

  A   Mr. Dredge  
  A   Mr. Stam  
  A   Mr. Brass  
  A   Mr. Shaver  
  A   Ms. Dunn

Motion passed 5-0

**E. UNFINISHED BUSINESS**

None scheduled

**F. NEW BUSINESS**

- 1. Consider an Ordinance amending Sections 2.62.010(A) and 5.40.020 of the Murray City Municipal Code and enacting Chapters 5.44 and 5.48 of the Murray City Municipal Code relating to unlawful discrimination in employment and housing.**

Staff presentation: Krista Dunn

Ms. Dunn stated that our forefathers bestowed on us a unification of people and of ideas, of government, and we have been admonished as citizens, to enact laws and abide by laws, under the presumption that all men are created equal, with certain inalienable rights, among them: life, liberty and the pursuit of happiness. Our City government is designed in a mirror image of the Federal Government; we have a legislative, a judicial, and an executive body, as we have learned today in training. As a legislative body, we are given the responsibility of creating laws or ordinances for this community that uphold that original admonition. We learn at an early age, when we learn to walk and talk and go to preschool, we learn that each of us is different, there are different sexes, different skin colors, hair colors, eye colors, some people are tall or short, thin or round, a whole different range of abilities, a range of different intellects and likes and dislikes; slowly and surely over time this country has come to embrace most of these differences. Some have taken longer than others, but we as a people have been moving in the right direction.

Now, as a legislative body, we need to provide for all of our residents, and all of the people that are being served, irrespective of any of their differences; we are not the first, nor I hope will we be the last, to stand and say that all of our citizens are important to the whole of our community. We are a community, which defined, is a unified body with the common interests and a common location, and all who live and work here should be treated with dignity and respect. This Ordinance which we will vote on here tonight, addresses discrimination against all groups of people that have come to ours, and others who have gone before us, in legislative positions attention that are in need of protection against discrimination; this Ordinance specifically adds to our Code "Sexual Orientation and Gender Identity." The Ordinance does not address whether that orientation or identity is right or good or evil, it simply demands that all people in this community are treated justly, without discrimination in the areas of employment, housing, or in the issuance of special events permits.

Ms. Dunn asked that the Council join her in doing their part in insuring that all of the people that live and have businesses here in this community, have equal rights in these areas. She has worked closely with Ms. Balkin from Equality Utah, who has given her a lot of help and direction in this, and one of the City's residents, Mr. Watts, has had

lots of communication with the City Council in this area, and she appreciates you and Equality Utah for their assistance in this; she would also like to add that this Ordinance has been modeled after the Salt Lake City Ordinance of which most of the municipal governments, who have already passed this ordinance, have modeled theirs.

Mr. Shaver wanted to thank those who had come and made the presentation, to help them fully comprehend and understand some of the stresses that many of the people in the community face. He is appreciative of that, and heartily agree with the feelings, sentiments, and desires in supporting this particular amendment for us.

Mr. Shaver made a motion to adopt the Ordinance.

Mr. Dredge 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales.

  A   Mr. Dredge

  A   Mr. Stam

  A   Mr. Brass

  A   Mr. Shaver

  A   Ms. Dunn

Motion passed 5-0

2. **Consider an Ordinance amending Sections 2.34.010, 2.34.030, 2.36.020, 2.38.010, 2.38.30, 2.40.010, 2.40.030, 2.41.010, 2.41.020, 2.42.010, 2.42.020, 2.44.030, 2.50.020, 2.68.010, and 2.68.020 of the Murray City Municipal Code regarding the appointment and term of City board or committee members.**

Staff presentation: Jan Wells, Chief of Staff

Ms. Wells stated that there are about 15 boards that serve in our city, that do a variety of work for our residents, who help us a lot. They are dedicated volunteers who give their time, energy and expertise; they help us in areas that we need insight in their direction, and we are very much appreciative of the work that they do. She also wanted to mention the City staff, and how much she appreciates them-they work very hard with these boards-we have different staff members, such as Mr. Barr who works with the Library Board, and other staff members who work with other boards, some at more than one, and this takes a lot of extra time for them, and she appreciates their work. It gives us a great process, and helps us to understand what our residents are thinking and feeling, and helps us to have a balanced government as we try to work through some of the issues that we do.

Ms. Wells said that the way these boards are put together, is that recommendations come in from Council Members, or sometimes they receive applications from members of the community; sometimes our staff recommends people; they put those applications in, and when there is an opening on a board, they contact those individuals and give them an opportunity to be interviewed and then the Mayor will make a selection and a recommendation for a board position. Those are then brought to the Council, and they

make a decision confirming or not, the Mayor's appointments. As we have been working on this, and you know we have been working on this a long time, we have been trying to clean up the Code a little bit, and make a few changes.

Most of our Boards and Commissions were established a very long time ago; and as you know, the City Attorney's Office has been working hard to clean up some of the codes. As we have been trying to make a few changes, they have been working on some of these clean ups.

They have not addressed the Planning Commission, the Board of Adjustments, nor the Library Board for various reasons. We have had a couple of goals: one is to try to help make the term limits a little more uniform, and we have been pretty successful in all committees, except for one, and she thinks everyone understands the reasoning behind that one, and she feels that in the future, that one can be changed as well. We wanted to give more people more opportunities, so that boards have two or three terms, so that others can come take over those opportunities. The other challenge that they have had is that when a lot of the boards were put together, the membership was to be selected one from each district. While that sounds really good on paper, in practicality, it doesn't always serve us the best. While I want to assure the Council that we will continue to try and do that, to the best of our abilities, and we will still rely on you for input and suggestions, we would like to have the ability to select people from anywhere in the City, if they are willing and perhaps even have special talents that would help to promote some of the work on our boards.

The other issue that just came to her attention today, was that there is a place that says "members can be removed by the Mayor or City Council for cause" and our legal counsel tells her that is not correct. That sentence has been taken out in the three places that it was in, and just as they were looking at it, they found one more in 2.68.010- the Downtown Overlay District Design Review- in the last section under "Membership Terms and Vacancies", it lists 'vacancies recurring through expirations of terms and appointments, death, disability, resignation' or instead of saying 'removal by the Mayor' it should say 'removal from the City' and that is just consistent language with the others. Basically, all that means is that they move out of the city.

She just wanted to clarify that, if the Council wouldn't mind making that other correction too.

Mr. Shaver asked Mr. Nakamura to look at 2.36.020: this is one that was addressed earlier, the City Council is referred to in different ways through it, sometimes it just says 'the Council,' sometimes it says 'City Council', or if you go to 2.41.410 it says 'Municipal City Council.'

Mr. Nakamura said that they should make the terminology consistent throughout.

Ms. Wells stated that this had been piecemealed through the years, we have had these come and go and some of the language, as you can see, was put in there when the boards were created, and we feel like we really don't need that language in there anymore, because they are already in place and so we are trying to clean it up a little.



Mr. Shaver asked how the implementation would be, knowing that we are going to be making this change now, and there are people already serving in their position? They may have already been there for two years or coming up on a year or 18 months. So you would just take it based on the term?

Mr. Nakamura stated that they would complete their terms, at which time, when those terms become open and available, these provisions will be implemented. There is always a grandfathering that takes place in this legislation, and so those that are in place, are in place. When those opportunities come for reappointment we will use these terms, and the removal of having to come from specific districts will change as well.

Mr. Shaver said that we will do the best we can to make certain that we do the overlapping, as the language is very specific.

Mr. Dredge stated that if he has any concern at all, it is with individuals serving on the boards who are not Murray residents; he wholeheartedly agrees with what has been done here, but I he does have a little bit of concern. He thinks he probably understands what they are doing, if the City can bring in outside experts in those areas, they may not be Murray residents; is that the intent?

Ms. Wells stated that some of those have been in place for a very long time, and when the boards were put together, they were put together with the notion that we may not have the expertise inside the City. She thinks that they always try to look inside the city first, and if they can find people, which is where you all come in-they always look to the Council for their advise on these, and if they can find people in the city, they will always take them first. She thinks that some of these are more technical, and they just look for that expertise; she knows that one in particular, the DHOD, Mr. Tingey will be redoing those as part of the downtown work, so she believes some of those will change along with the work he does. The only other one that she can think of is the History Board, and that one is one that they really try hard to find internal people; they don't always succeed, but they do try.

Ms. Dunn suggested that when a board has an outside member, from outside of the city, she would like to see leadership on that board be a Murray resident for the simple reason that they can take advise and consent, but then, if you have someone with a little more expertise, they don't kind of take over the whole thing. It is just a suggestion, and won't hold anybody to it, but she thinks it's worth it.

Ms. Wells said that they can certainly talk to the staff about that, and just ask them to take that into consideration; they have latitude in how they run their boards.

Mr. Shaver asked to be corrected if he read this wrong, but as he understands it, those positions are always an At-Large position? Those that may be taken from outside the City; so a board that would have five members, then you would have two At-Large positions and it states that *those* would be taken either from within or without the City, so the five regular members would be taken from within the City. The language is very specific as to who can come from outside the City.

Ms. Dunn stated that this was correct, for those ones where we are not now necessarily taking them all from the districts.

Mr. Brass made a motion to adopt the Ordinance, with the changes requested.

Mr. Shaver 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales.

  A   Mr. Dredge

  A   Mr. Stam

  A   Mr. Brass

  A   Mr. Shaver

  A   Ms. Dunn

Motion passed 5-0

**3. Consider a Resolution adopting the regular Meeting Schedule of the Murray City Municipal Council for calendar year 2011.**

Mr. Shaver asked to make a change in the schedule if possible: July 5, and July 19; he would not be able to attend, and asked to adapt the schedule to the following weeks, that being the 12<sup>th</sup> and 26<sup>th</sup> of July.

Ms. Dunn noted that changing the date to the 26<sup>th</sup> of July would move it closer to the 24<sup>th</sup> of July holiday.

Mr. Shaver made a motion to the amendment of changing the July 5<sup>th</sup> meeting to July 12<sup>th</sup> for the regular meeting schedule of 2011.

Mr. Brass 2<sup>nd</sup> the motion.

Call vote recorded by Carol Heales.

  A   Mr. Dredge

  A   Mr. Stam

  A   Mr. Brass

  A   Mr. Shaver

  A   Ms. Dunn

Motion passed 5-0

Mr. Shaver made a motion to adopt the regular meeting schedule of 2011.

Mr. Brass<sup>2nd</sup> the motion.

Call vote recorded by Carol Heales.

  A   Mr. Dredge

  A   Mr. Stam

  A   Mr. Brass

  A   Mr. Shaver

  A   Ms. Dunn

Motion passed 5-0

**G.    MAYOR'S REPORT**

None given

**H.    QUESTIONS OF THE MAYOR**

None

**ADJOURNMENT**